

**Notice of Allowability**

Application No.

09/931,339

Examiner

Sanza L McClendon

Applicant(s)

ALLEN ET AL.

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to January 12, 2004.
2. ☒ The allowed claim(s) is/are 1-8 and 10-22.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Response to Amendment*

1. In response to the Amendment received on January 12, 2004, the examiner has carefully considered the amendments. The examiner acknowledges the cancellation of claim 9. The claim rejection under 35 U.S.C. § 112, 2nd paragraph for claim 2 has been overcome by the amendment and has hereby been withdrawn for consideration.

### *Election/Restrictions*

2. Claims 23-67 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the Paper dated January 12, 2004.

### *Response to Arguments*

3. Applicant's arguments, see Amendment, filed January 12, 2004, with respect to claims 1-22 have been fully considered and are persuasive. The rejection of claims 1-5, 8, 16-17, and 19-22 under 35 USC 102(b) as being anticipated by Okinoshima et al (6,069,186) has been withdrawn. The rejection of claims 1-6, 9-11, 14, 16, and 19-22 under 35 USC 102(b) as being anticipated by Irifune et al (EP 0 624 627) has been withdrawn. These prior art references fail to disclose a high-molecular weight siloxane with multiple (meth) acrylate functional groups having the general formula found in claim 1 reinforced with fillers such as silicone resins having the formula found in claim 1 or silicone dioxide fillers. The difference between the prior art high molecular weight siloxanes and the instant invention is the prior art fails to teach reinforcing siloxane resins having multiple (meth) acrylate groups attached to said siloxane by Si-C bonds. Therefore the instant invention is distinguished over the prior art.

## EXAMINER'S AMENDMENT

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4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Russell on May 28, 2004.

The application has been amended as follows:

Please **cancel** claims 23-67.

*Allowable Subject Matter*

5. Claims ~~51-84~~ <sup>10-22</sup> are allowed.

6. The following is an examiner's statement of reasons for allowance: The primary reasons for allowance is the combination of the high-molecular weight siloxane having multiple (meth) acrylate functional groups that are attached to said siloxane by Si-C bonds having the general formula found in claim 1 with reinforcing fillers selected from the group of silicone dioxide fillers and silicone resins having the general formula found in claim 1. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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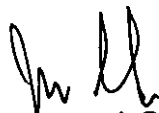
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanza L McClendon

Examiner

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SMc

  
**James J. Seidleck**  
**Supervisory Patent Examiner**  
**Technology Center 1700**